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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Seiichi Hirano

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2079

7590

02/11/2003

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EXAMINER

BROOKE, MICHAEL S.

ART UNIT

PAPER NUMBER

2853

DATE MAILED: 02/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/976,668

Applicant(s)

HIRANO ET AL.

Examiner

Michael S. Brooke

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-23 is/are allowed.
- 6) ☒ Claim(s) 24-38 is/are rejected.
- 7) ☒ Claim(s) 39 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/834,151.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Reissue Applications

1. The original patent, or a statement as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 24-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ishii (JP-04007185) in view of Saito et al. (5,136,308).

Ishii teaches an ink jet print head (12) having a nose portion through which ink is ejected. The printer comprises a paper feeding path, a paper feed roller (1) having a peripheral surface coincident with a portion of the feed path, a presser (4), which is a pinch roller, that abuts the feed roller at a contact position, a flat paper guide (5) that is disposed downstream of the contact position and a deflector (17) that is located downstream and apart from the contact position. Furthermore, as can be seen in Fig. 2, the deflector (17) extends across the width of the sheet of paper. While, Ishii does not explicitly teach a driving device for the feed roller, such a device would inherently be

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found in an ink jet printer, as it is necessary to provide power to the feed roller, so that the recording sheet is fed into the printer.

Ishii teaches the claimed invention with the exception of a plurality of projections on the paper guide surface, wherein at least some of the projections are at least in part disposed inside the printing area, which is located between the contact position and a position where the nose portion opposes the paper guide, the projections being arranged transverse to the printing paper and wherein at least one of the projections extends from within the printing area to a point downstream of the printing area.

Saito et al. teaches (Figs. 27, 31A) an ink jet printer comprising a platen (paper guide) (12) that is positioned opposite a print head (8). The entire surface of the platen has a series of ribs (12a) which are disposed transverse to the printing paper. The ribs allow excess ink to pass through the platen and into an absorbing member (213). This structure prevents ink scattering and contamination of the recording medium (col. 13:56-68 and col. 14:1-6). Furthermore, as can be seen in Fig. 27, the platen extends beyond the printing area. Therefore, since the ribs are formed on the entire surface of the platen, the ribs would extend beyond the printing area.

It would have been obvious to one of ordinary skill in the ink jet art at the time the invention was made to have provided in Ishii et al., a paper guide having an absorbing member and a series of ribs which are formed on the entire surface of the paper guide, so as to extend beyond the printing area, wherein the ribs are formed transverse to the printing paper for the purpose of preventing ink scattering and contamination of the recording medium.

Allowable Subject Matter

4. Claims 1-23 are allowed.
5. Claim 39 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 11/14/02 have been fully considered but they are not persuasive.

Applicant's argument that the combination of Ishii and Saito would render Ishii unfit for its intended purpose, it not persuasive. In support of this position, the Applicant argues that providing the ribs of Saito on the paper guide of Ishii would result in the paper sagging between the ribs, which would vary the gap distance between the head and the paper. This statement is unsupported speculation. Nothing in the evidence of record shows that providing the ribs of Saito would result in the paper sagging between the ribs. Assuming arguendo, that the Applicant is correct, the Applicant points out that it is known how to correct such a problem by, for example, a suitable discharge roller. Thus, even if paper sagging was a problem in the combination of Ishii and Saito, one of ordinary skill in the inkjet art would know how to correct the problem and thus would be able to enjoy the benefits gained by combining the teachings of Ishii and Saito.

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Applicant's argument that Saito does not teach at least one of the ribs extending beyond the printing area is persuasive. Accordingly, the rejection of claim 39 is withdrawn and the claim is now subject to an object, as it depended from a rejected base claim.

Applicant's argument that Saito does not suggest that the projections are beneath the paper is not persuasive. Whether or not the ribs are considered to be beneath the paper are a matter of perspective. From the point of view of the print head, the paper is positioned between the head and the ribs, thus the ribs would be beneath the paper. Even assuming, arguendo, that one would not consider Saito to show the ribs beneath the paper, rotating the head structure by 90 degrees would be a mere rearrangement of parts and would be well within the scope of the knowledge of one of ordinary skill in the art. Thus, Saito does teach the ribs being beneath the paper.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael S. Brooke whose telephone number is 703-305-0262. The examiner can normally be reached on M-F 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3431 for regular communications and 703-305-3431 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4900.

Michael S. Brooke
Examiner
Art Unit 2853

MB

MSB
January 30, 2003

John Barlow
John Barlow
Supervisory Patent Examiner
Technology Center 2800